

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Part 97 of the Commission's Rules	)	WT Docket No. 05-235
To Implement WRC-03 Regulations Applicable to	)	
Requirements for Operator Licenses in the	)	RM-10781, RM-10782, RM-10783,
Amateur Radio Service	)	RM-10784, RM-10785, RM-10786,
	)	RM-10787, RM-10805, RM-10806,
	)	RM-10807, RM-10808, RM-10809,
	)	RM-10810, RM-10811, RM-10867,
	)	RM-10868, RM-10869, RM-10870

**To: The Commission  
Comments on Notice of Proposed Rule Making (05-235)**

Comments on the Notice of Proposed Rulemaking  
by Benjamin S. Gelb

I have been a licensed and active amateur radio operator since 1996 and now hold a General Class license. I am presently attending school at the Massachusetts Institute of Technology where I am pursuing an undergraduate degree in Electrical Engineering and Computer Science.

I agree in part and dissent in part with the NPRM (WT. Docket Number 05-235) regarding amendments to Part 97 of the FCC Rules.

**Licensing Requirements**

I fully agree with the proposed rule changes to eliminate the Morse telegraphy requirement for achieving an amateur radio license. The Commission concludes correctly that Morse telegraphy "is not necessarily indicative of his or her ability to contribute to the radio art,"<sup>1</sup> and that it is not "in the public interest to require examinees to demonstrate an ability to exchange messages in one particular communications technology when the amateur service rules do not require the individual to use this technology," and further that "successful completion of a one-time telegraphy examination offers no future guarantee of proficiency."<sup>2</sup>

I will not take time to give further supporting evidence for this conclusion, because it is clear that the Commission already has all of the information it needs to make an appropriate decision.

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<sup>1</sup> NPRM, paragraph 17

<sup>2</sup> NPRM, paragraph 19

## Changes to Operating Privileges and Licensing Structure

I agree with the Commission that present Novice, Technician, and Technician Plus operators should not receive additional privileges as a result of the elimination of the code requirements. I further agree that current Technician Plus licensees should be renewed as Technician status unless they choose to upgrade to General.

*However*, I believe that the present Technician class license is now obsolete as an entry-level license in light of the removal of the Morse telegraphy requirement. I agree with ARRL's sentiment that "the Technician Class license leaves newcomers to the amateur service in an isolated position because it allows them to conduct only local, rather than worldwide, communications,"<sup>3</sup> and that a new entry-level license is needed which provides some level of access to bands both above and below 30 MHz.

The 30 MHz boundary that applies to Technician Class licensees is now a completely arbitrary one. With the removal of the international code requirement for bands below 30 MHz, there is no longer a regulatory or legal purpose for maintaining this boundary. For this reason, I believe an additional class of license (either in addition to or in place of the current Technician class license) that provides better access to a variety of bands, both above and below 30 MHz, is called for.

The Commission seems to provide few substantive reasons for denying this request. This decision seems to rest largely on the fact that the Commission claims to have somehow determined that three is the magic number for license classes, and that no more and no less will do. The only reasoning that the Commission provides to back up its claim that there should be no more than three license classes is that most petitioners have either explicitly or implicitly referred to the Amateur Radio Service having three license classes.<sup>4</sup> As that is the status quo, it is not surprising that most petitioners would assume three classes in the Amateur Radio Service. It does not logically follow that three license classes is the only suitable number or that four is too many.

Additionally, the Commission points to the fact that in its 1999 Report and Order regarding restructuring of the Amateur Service, a majority of those who filed comments supported three classes of licenses.<sup>5</sup> This is truly an irrelevant assertion, as the landscape has changed greatly with the removal of the Morse telegraphy requirement.

Further, the Commission states that there should be no new introductory class of license because Technicians can "easily"<sup>6</sup> upgrade to General should they wish to use HF, and goes so far as to imply that new licensees should have no trouble going directly to General class by taking elements 2 and 3 at once<sup>7</sup>. Perhaps this makes sense, as the Commission states that "the purpose of the written examinations, under our rules, is not

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<sup>3</sup> NPRM, paragraph 27

<sup>4</sup> NPRM, paragraph 29

<sup>5</sup> *Restructuring Report and Order*, paragraph 12-13

<sup>6</sup> NPRM, paragraph 30

<sup>7</sup> *Ibid.*

to determine whether a person has achieved a particular level of skill, but rather to determine whether an individual can properly operate an amateur station.”<sup>8</sup> If this were the case, it seems that most new applicants would choose simply to take both elements 2 and 3 at the outset, making the General class license the *de facto* introductory class of license.

Yet at the same time, the Commission claims that the purpose for having multiple classes of licenses (specifically, the magic number three) is to “provide an incentive for licensees to advance their skills in meaningful ways.”<sup>9</sup>

So which way is it? These two statements by the Commission in the NPRM directly contradict one another! Do the exams test for advancement in skills, or not? In either case, it seems that the Technician Class license does not serve the public interest particularly well.

In the first case, where the Commission’s purpose in licensing is merely to ensure that licensees “can properly operate an amateur station” it seems that two, if not just *one* class of license (requiring credit from both element 2 and 3) would be completely sufficient. This seems especially true in light of the Commission’s revelation that the General test can “easily” be passed anyway.

In the case that the Commission does wish to “provide incentives for licensees to advance their skills” (and the General test is passed a little less “easily” than the Commission would have us believe) the Technician class seems poorly suited as an introductory level license. It cuts off access to an enormous facet of the Amateur Service, making it difficult for new licensees to “get their feet wet” and develop the desire to advance their skills.

The Commission needs to choose a path here and stick to it. In either case, however, the Technician class seems obsolete and poorly suited in the face of the elimination of the Morse requirement.

### **Repeating Failed Examination Attempts**

Before the issue was broached in the NPRM I had not given much thought to this issue, nor has it ever caused me great personal concern. The Commission’s response to the question of allowing immediate retesting seems a surprising breakdown of common sense, however. If an examinee fails to achieve a passing score on a test, then he or she is not adequately versed in the test subject matter and not qualified to operate an amateur station at that point in time. A qualified examinee should be able to achieve a passing score on *any* combination of questions from the pool. Failing an exam once indicates that an individual is unqualified, no matter how many subsequent exams he or she could pass immediately thereafter. An examinee does not become any more knowledgeable or more qualified between exam attempts without additional study. So it makes no sense to me to allow immediate retesting. It seems some sort of waiting period should be mandatory to

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<sup>8</sup> NPRM, paragraph 37

<sup>9</sup> NPRM, paragraph 29

allow the examinee to learn the necessary information to pass the examination. The excuse that exam sessions may “occur infrequently”<sup>10</sup> is just lame, frankly, and of no relevance. The whole point of an examination system is undermined when ensuring that examinees possess adequate knowledge to pass the exams becomes a second priority!

## **Conclusion**

I wish to thank the Commission for taking the time to consider my comments on this matter.

Respectfully Submitted,  
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<sup>10</sup> NPRM, paragraph 42